

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLIED WORLD SURPLUS LINES
INSURANCE COMPANY F/K/A DARWIN
SELECT INSURANCE COMPANY and ALLIED
WORLD SPECIALTY INSURANCE COMPANY
F/K/A DARWIN NATIONAL ASSURANCE
COMPANY,

Plaintiff,

v.

PREMERA,

Defendant.

PREMERA,

Counterclaimants,

v.

ALLIED WORLD SURPLUS LINES
INSURANCE COMPANY F/K/A DARWIN
SELECT INSURANCE COMPANY and ALLIED
WORLD SPECIALTY INSURANCE COMPANY
F/K/A DARWIN NATIONAL ASSURANCE
COMPANY; LEXINGTON INSURANCE
COMPANY; BCS INSURANCE COMPANY;
HOMELAND INSURANCE COMPANY OF
NEW YORK; IRONSHORE SPECIALTY
INSURANCE COMPANY; RLI INSURANCE
COMPANY; TRAVELERS CASUALTY AND

NO. 2:17-cv-00714-RSL

**STIPULATION FOR DISMISSAL
OF CLAIMS BETWEEN ALLIED
WORLD AND PREMERA WITH
PREJUDICE**

STIPULATION FOR DISMISSAL OF CLAIMS BETWEEN ALLIED
WORLD AND PREMERA WITH PREJUDICE - 1
Case No. 2:17-cv-00714

1 SURETY COMPANY OF AMERICA; AND
2 RSUI INDEMNITY COMPANY,

3 Counterclaim Defendants.

4 Pursuant to Federal Rule of Civil Procedure 41(a)(1) and (2), Plaintiffs-Counter
5 Defendants Allied World Surplus Lines Insurance Company f/k/a Darwin Select Insurance
6 Company and Allied World Specialty Insurance Company f/k/a Darwin National Assurance
7 Company Allied World (collectively "Allied World") and Defendant Premera Blue Cross
8 ("Premera") by and through their respective attorneys, hereby dismiss all claims, counterclaims
9 and defenses asserted by and between Allied World and Premera with prejudice, with Allied
10 World and Premera to bear their own fees and costs. Counterclaim Defendants Lexington
11 Insurance Company ("Lexington"); BCS Insurance Company ("BCS"); Homeland Insurance
12 Company Of New York ("Homeland"); Ironshore Specialty Insurance Company ("Ironshore");
13 RLI Insurance Company ("RLI"); Travelers Casualty And Surety Company of America
14 ("Travelers"); and RSUI Indemnity Company ("RSUI"), by and through their respective
15 attorneys, hereby stipulate to the dismissal. In support of this motion, the Parties state as
16 follows:

17 1. This lawsuit arises in the context of Premera's ongoing defense of underlying
18 antitrust litigation in Multi-District Litigation pending in the United States District Court for
19 the Northern District of Alabama, In Re: Blue Cross Blue Shield Antitrust Litigation, Master
20 File No 2:13-cv-20000-RDP ("Antitrust Litigation"), brought against Premera, all other Blue
21 Cross and Blue Shield Plans and the Blue Cross Blue Shield Association by (1) all health care
22 providers in the United States and Puerto Rico and (2) all individuals covered under a health
23 plan with any Blue Cross Blue Shield company. See ECF Nos. 1, 12, 26.

3. Allied World and Premera have entered a confidential binding Settlement Agreement and Mutual Release which resolves their insurance coverage disputes with respect to the Antitrust Litigation. Pursuant to the Settlement Agreement and Mutual Release, Allied World and Premera agree to dismiss all claims, counterclaims and defenses asserted by and between Allied World and Premera with prejudice, with each party to bear its own fees and costs.

14 4. This stipulation does not apply to claims Premera has alleged against any other
15 party in this litigation.

5. The remaining parties also hereby stipulate that the case caption be amended to reflect the alignment of the parties upon dismissal of Allied World to be as follows:

18 || PREMIERA,

19 Plaintiff,

V.

21 LEXINGTON INSURANCE COMPANY; BCS
INSURANCE COMPANY; HOMELAND
22 INSURANCE COMPANY OF NEW YORK;
IRONSHORE SPECIALTY INSURANCE
23 COMPANY; RLI INSURANCE COMPANY;
TRAVELERS CASUALTY AND SURETY

1 COMPANY OF AMERICA; AND RSUI
2 INDEMNITY COMPANY,

3
4 Defendants.

5 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

6 DATED this 10th day of December, 2018.

7 By: s/ Bryan C. Graff

8 Bryan C. Graff, WSBA #38553
9 Ryan, Swanson & Cleveland, PLLC
10 1201 Third Avenue, Suite 3400
11 Seattle, Washington 98101-3034
12 Telephone: (206) 464-4224
13 Facsimile: (206) 583-0359
14 Email: graff@ryanlaw.com

15 By: s/ Steven J. Brodie

16 Steven J. Brodie
17 Admitted pro hac vice
18 Florida Bar #333069
19 Carlton Fields Jorden Burt, P.A.
20 Miami Tower
21 100 SE 2nd Street, Suite 4200
22 Miami, Florida 33131-9101
23 Telephone: (305) 530-0050
Facsimile: (305) 530-0055
E-Mail: sbrodie@carltonfields.com

By: s/ Heidi Hudson Raschke

Heidi Hudson Raschke
Admitted pro hac vice
Florida Bar #0061183
Carlton Fields Jorden Burt, P.A.
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607
Telephone: (813) 223-7000
Facsimile: (813) 229-4133
E-Mail: hraschke@carltonfields.com

**Attorneys for Plaintiffs/Counterclaim Defendants,
Allied World Surplus Lines Insurance Company
F/K/A Darwin Select Insurance Company; and
Allied World Specialty Insurance Company F/K/A
Darwin National Assurance Company**

1 By: s/ John R. Neeleman

John R. Neeleman, WSBA #19752

2 By: s/ Gwendolyn C. Payton

Gwendolyn C. Payton, WSBA #26752

Kilpatrick Townsend & Stockton LLP

1420 5th Ave., Suite 3700

Seattle, Washington 98101

Telephone: (206) 467-9600

Email: gpayton@kilpatricktownsend.com

Email: jneeleman@kilpatricktownsend.com

***Attorneys for Defendant/Counterclaim Plaintiff
Premera***

7 By: s/ Eliot Harris

Eliot Harris, WSBA #36590

8 By: s/ Rodney Umberger, Jr.

Rodney Umberger, Jr., WSBA #24948

Williams Kastner & Gibbs PLLC

601 Union Street, Suite 4100

2 Union Square

Seattle, Washington 98101

Telephone: (206) 628-6600

Email: eharris@williamskastner.com

Email: rumberger@williamskastner.com

12 By: s/ Mary Jo Barry

Mary Jo Barry, *pro hac vice*

Kaufman Dolowich & Voluck, LLP

40 Exchange Place, 20th Floor

New York, New York 10005

Telephone: (212) 485-9600

Email: mbarry@kdvlaw.com

***Attorneys for Ironshore Specialty Insurance
Company***

17 By: s/ Jeremy Roland Schulze

Jeremy Roland Schulze, WSBA #46670

18 By: s/ Lawrence Gottlieb

Lawrence Gottlieb, WSBA #20987

Betts Patterson & Mines

701 Pike Street, Suite 1400

Seattle, Washington 98101

Telephone: (206) 292-9988

Email: jschulze@bpmlaw.com

Email: lgottlieb@bpmlaw.com

1 By: s/ Douglas M. Mangel

2 Douglas M. Mangel, Pro Hac Vice
3 CLYDE & CO US LLP
4 1775 Pennsylvania Avenue NW, 4th Floor
5 Washington, DC 20006
6 Telephone: (202) 747-5120
7 Email: doug.mangel@clydeco.us
8 **Attorneys for RLI Insurance Company**

9 By: s/ Joseph D. Hampton

10 Joseph D. Hampton, WSBA #15297
11 Betts Patterson & Mines
12 701 Pike Street, Suite 1400
13 Seattle, Washington 98101
14 Telephone: (206) 292-9988
15 Email: jhampton@bpmlaw.com

16 By: s/ Andrew Oldis

17 Andrew Oldis, *pro hac vice*

18 By: s/ Matthew M. Collibee

19 Matthew M. Collibee, *pro hac vice*

20 By: s/ Wayne E. Borgeest

21 Wayne E. Borgeest, *pro hac vice*

22 By: s/ Joan Gilbride

23 Joan Gilbride, *pro hac vice*
Kaufman Borgeest & Ryan
200 Summit Lake Drive
Valhalla, New York 10595
Telephone: (914) 449-1091
Email: aoldis@kbrlaw.com
Email: mcollibee@kbrlaw.com
Email: wborgeest@kbrlaw.com
Email: jgilbride@kbrlaw.com

**Attorneys for Travelers Casualty and Surety
Company of America**

By: s/ Alfred E. Donohue

Alfred E. Donohue, WSBA #32774
Wilson Smith Cochran Dickerson
901 Fifth Avenue, Suite 1700
Seattle, Washington 98164
Telephone: (206) 623-4100
Email: Donohue@wscd.com

1 By: s/ Marc Pearlman

2 Marc Pearlman, *pro hac vice*
3 Kerns, Frost & Pearlman, LLC
4 2201 Waukegan Road, Suite 160
5 Bannockburn, Illinois 60015
6 Telephone: (312) 261-4550
7 Email: mpearlman@kfplegal.com

8 ***Attorneys for BCS Insurance Company***

9 By: s/ Everett W. Jack, Jr.

10 Everett W. Jack, Jr., WSBA #47076
11 Davis Wright Tremaine LLP
12 1300 SW 5th Ave.
13 2400 First Interstate Tower
14 Portland, Oregon 97201
15 Telephone: (503) 241-2300
16 Email: everettjack@dwt.com

17 By: s/ Nancy A. Brownstein

18 Nancy A. Brownstein, WSBA #50150
19 Davis Wright Tremaine LLP
20 1201 Third Avenue, Suite 2200
21 Seattle, Washington 98101
22 Telephone: (206) 622-3150
23 Email: nancybrownstein@dwt.com

Attorneys for Lexington Insurance Company

By: s/ Robert J. Guite

Robert J. Guite, WSBA #25753
Sheppard Mullin Richter & Hampton
4 Embarcadero Center, 17th Floor
San Francisco, California 94111
Telephone: (415) 434-9100
Email: RGuite@sheppardmullin.com

***Attorneys for Homeland Insurance Company of
New York***

By: s/ Jennifer L. Crow

Jennifer L. Crow, WSBA #43746
Scheer Law Group LLP
101 SW Main St, Suite 1600
Portland, Oregon 97204
Telephone: (503) 542-1200
Email: jcrow@scheerlaw.com

Attorneys for RSUI Indemnity Company

1 Based on the above Stipulation, IT IS SO ORDERED.

2 DATED this 11 day of December, 2018.

3 *Robert S. Lasnik*

4 The Honorable Robert S. Lasnik

5 Presented by:

6 By: s/ Bryan C. Graff

7 Bryan C. Graff, WSBA #38553
8 Ryan, Swanson & Cleveland, PLLC
9 1201 Third Avenue, Suite 3400
10 Seattle, Washington 98101-3034
11 Telephone: (206) 464-4224
12 Facsimile: (206) 583-0359
13 Email: graff@ryanlaw.com

14 By: s/ Steven J. Brodie

15 Steven J. Brodie
16 *Admitted pro hac vice*
17 Florida Bar #333069
18 Carlton Fields Jorden Burt, P.A.
19 Miami Tower
20 100 SE 2nd Street, Suite 4200
21 Miami, Florida 33131-9101
22 Telephone: (305) 530-0050
23 Facsimile: (305) 530-0055
E-Mail: sbrodie@carltonfields.com

By: s/ Heidi Hudson Raschke

Heidi Hudson Raschke
Admitted pro hac vice
Florida Bar #0061183
Carlton Fields Jorden Burt, P.A.
4221 W. Boy Scout Boulevard, Suite 1000
Tampa, Florida 33607
Telephone: (813) 223-7000
Facsimile: (813) 229-4133
E-Mail: hraschke@carltonfields.com

***Attorneys for Plaintiffs/Counterclaim Defendants,
Allied World Surplus Lines Insurance Company
F/K/A Darwin Select Insurance Company; and Allied
World Specialty Insurance Company F/K/A Darwin
National Assurance Company***

1 By: s/ John R. Neeleman

John R. Neeleman, WSBA #19752

2 By: s/ Gwendolyn C. Payton

Gwendolyn C. Payton, WSBA #26752

Kilpatrick Townsend & Stockton LLP

1420 5th Ave., Suite 3700

Seattle, Washington 98101

Telephone: (206) 467-9600

Email: gpayton@kilpatricktownsend.com

Email: jneeleman@kilpatricktownsend.com

Attorneys for Defendant/Counterclaim

Plaintiff Premera